

**ENTERED**

September 28, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION3D/INTERNATIONAL, INC., *et al*,

Plaintiffs,

VS.

JOSEPH F. ROMANO,

Defendant.

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CIVIL ACTION NO. 4:18-CV-2432

**ORDER**

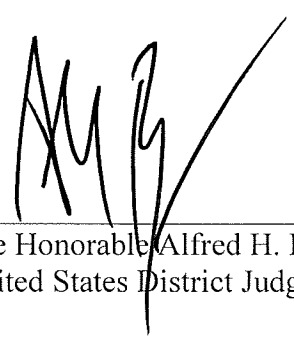
Before the Court are Defendant's Motion for Attorney Fees (the "Motion") (Doc. #33), Plaintiffs' Response (Doc. #38), and Defendant's Amended Reply. Doc. #40. In the Motion, Defendant argues that he is entitled to reasonable attorney's fees and costs under Texas law as the prevailing party in this case (Doc. #33) based on the Court's August 22, 2019 Order granting summary judgment in favor of Defendant. Doc. #31. Plaintiffs appealed the Court's Order on September 4, 2019. Doc. #32. In a per curium opinion issued on May 21, 2020, the Fifth Circuit reversed and granted summary judgment in favor of Plaintiffs. Doc. #42. Therefore, the Court finds that the Fifth Circuit's judgment in favor of Plaintiffs renders the Motion moot.<sup>1</sup>

Accordingly, because the Fifth Circuit has granted summary judgment in favor of Plaintiffs, the Motion is hereby DENIED as moot.

It is so ORDERED.

**SEP 25 2020**

Date

  
 The Honorable Alfred H. Bennett  
 United States District Judge

<sup>1</sup> In so finding, the Court does not determine whether its Order granting summary judgment in favor of Defendant would permit recovery of attorney's fees under Texas law.